

IN THE MATTER OF The Public Order Emergency Commission
Established by Order in Council 2022-0392 under the *Inquiries Act*, RSC 1985, c I-11
The Honourable Paul S. Rouleau, Commissioner

AFFIDAVIT OF ROBERT COSTANZO

I, Robert Costanzo, of the City of Surrey, in the Province of British Columbia, AFFIRM THAT:

1. I am General Manager of Corporate Services of the City of Surrey ("City") and as such I have personal knowledge of the facts and matters hereinafter deposed to, save and except for information imparted to me by other people, in which case, I believe the source of the information to be reliable and the information to be true.
2. As General Manager of Corporate Services, I am responsible for the following divisions of the City: Human Resources, Information Technology, Legal Services, Legislative Services and Bylaw & Licensing Services.
3. On February 8, 2022, I learned via email that the City's Bylaw & Licensing Services division had received a phone call with a complaint concerning the noise made by protesters and its impact on a nearby daycare. I understood from this email that one complaint that had been expressed in relation to the daycare was the impact on infants who were unable to sleep.
4. On February 11, 2022, I received a press release from the Surrey Board of Trade. It refers to the City being a border city and says blockades have already negatively impacted supply chains, businesses and jobs. Attached to my Affidavit as Exhibit "A" is a true copy of an email I received with the statement from the Surrey Board of Trade President Anita Huberman (SUR00000012).

5. On February 12, 2022, Martin Blais, Manager of City Bylaw Services, received email briefings from Bylaw Enforcement Officer Andrew Nolan who was present at the Freedom Convoy protest and blockade occurring that day at the Pacific Highway Border Crossing (PHBC). Mr. Nolan and other bylaw officers were present at PHBC from the morning until 5:00 p.m. on February 12, 2022. Bylaw Services was present to assist the Royal Canadian Mounted Police (RCMP) with bylaw related matters and to monitor the protest. On February 12, 2022, I received a copy of the debriefing notes sent that evening to Mr. Blais by Bylaw Enforcement Officer Nolan. Attached to my Affidavit as Exhibit "**B**" is a true copy of an email from Mr. Blais to me and Ms. Marosevich dated February 12, 2022 (SUR00000013).
6. In Exhibit B, Bylaw Enforcement Officer Nolan summarizes what he saw at PHBC on February 12, 2022 as follows:
 - a. Protestors started arriving around 8th Avenue and 176 Street at approximately 10:00 a.m. and congregated in the intersection.
 - b. Between 10:00 a.m. and noon, the protest at PHBC progressively grew and traffic was intermittently blocked. Approximately 16 individuals on horseback came to the area but were not observed causing any significant issues.
 - c. Throughout the afternoon, multiple vehicle convoys arrived southbound on 176 Street and, as a result, 176 Street was sometimes backed up past 24 Avenue. Protesters were parked on the roadsides of 8th Avenue, 16th Avenue and 176 Street.
 - d. During the protest and blockade, large numbers of protestors took over 176 Street, south of 8th Avenue. By 3:00 p.m., the RCMP was no longer actively trying to control the crowds.
 - e. Residents were able to access the area south of 8th Avenue via 172 Street throughout the day and minimal parking issues were observed on side streets and in residential areas.
 - f. Some public urination and defecation were observed in the area of the protests.
 - g. Most protest activity took place on 176 Street, which is a provincial highway, and on the portion of 8th Avenue between Highway 99 and 176 Street, which is also a provincial highway.
 - h. The protest was largely peaceful, but there were increasing signs of aggression and anti-authoritarian sentiment as the crowds grew.

7. On February 25, 2022, the City's Mayor Doug McCallum received a voicemail from a business owner at the PHBC, requesting help from the City because of the impact of the blockade on his business. Attached to my Affidavit as: Exhibit "C" is a true copy of an email from the Mayor's Office to Loren Marais, Administrative Assistant, Community Services, asking for follow-up on the voicemail (SUR00000050).
8. I was not copied on Exhibit C and learned about this complaint from Michelle Simpson, a paralegal in the Legal Services Division who was provided with the complaint.
9. I am aware of two complaints about the blockade at PHBC made to the City's Mayor Doug McCallum on February 12 and 13, 2022. Both complainants asked the City to dismantle the blockade. Attached to my Affidavit as Exhibits "D" and "E" are true copies of these emailed complaints (SUR00000057 and SUR00000060) with personal information redacted to protect the privacy of complainants.
10. I was not copied on Exhibits D and E and learned about these complaints from Ms. Simpson, who was provided with the complaints.
11. I am also aware of several complaints by City residents made to the City between February 19 and 21, 2022. All three complaints were about the protests and blockades at the PBHC. Attached to my Affidavit as: Exhibit "F" is a true copy of an email from one complainant to City Engineering Traffic Operations Service, Bylaw Complaints, the City Manager and Mayor Doug McCallum dated February 21, 2022 (SUR00000003); Exhibit "G" is a true copy of an email from another complainant to Mayor McCallum and the City Clerks Department (SUR00000004); and Exhibit "H" is a true copy of an email from a third complainant to Mayor McCallum dated February 19, 2022 (SUR00000005). Personal information has been redacted from each of Exhibits F, G and H to protect the privacy of complainants.
12. I was not copied on Exhibits F, G and H and learned about these complaints from Ms. Simpson, who was provided with the complaints.
13. On February 26, 2022, there was an incident with Freedom Convoy protestors involving two City bylaw officers and three RCMP members. The incident occurred on 8th Avenue, east of

176 Street, near PBHC. At this location, temporary "No Parking" signs had been put up to discourage protests and blockades. However, on February 26, 2022, all these signs were removed. Bylaw officers and RCMP members attended the area to speak to protestors about removal of these signs. Attached as Exhibit "I" to my Affidavit is a true copy of the Bylaw Services Job Number 046918856-002 from Bylaw Services' computer job tracking system (SUR00000035).

14. According to Exhibit I, after approaching protestors about the sign removal with RCMP members, bylaw officers were outnumbered and described being "swarmed" by very vocal protestors. These bylaw officers therefore decided not to ticket the protestors for removing the signs and disengaged with them.

AFFIRMED BEFORE ME at the City of
Surrey, in the Province of British
Columbia, this 5th day of October,
2022



A Commissioner for Taking Affidavits
for the Province of British Columbia



Robert Costanzo

CHARLEEN MARIE SYMONS
13450 - 104th Avenue
Surrey, B.C. V3T 1V8
A Commissioner for Oaths
within British Columbia
Expiry Date: May 31, 2024

From: Donohoe, Lisa on behalf of Lalonde, Vincent
To: Costanzo, Robert
Cc: Reynolds, Melanie; Irvine, Kelly
Subject: FW: STATEMENT FROM SURREY BOARD OF TRADE PRESIDENT TO SURREY BUSINESSES ON PROTESTS THIS WEEKEND
Date: February 11, 2022 9:54:03 AM

FYI,

Not sure if bylaws can do anything, but wanted to draw to your attention

Thanks

Lisa

This is Exhibit " A " referred to in the
 Affidavit of Robert Costanzo
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Leah Ann Simon
 A Commissioner for taking Affidavits
 for British Columbia

From: Anita Huberman <anita@businessinsurrey.ca>
Sent: February 11, 2022 9:38 AM
To: Anita Huberman <anita@businessinsurrey.com>
Subject: STATEMENT FROM SURREY BOARD OF TRADE PRESIDENT TO SURREY BUSINESSES ON PROTESTS THIS WEEKEND

For Immediate Release: February 11, 2022

STATEMENT FROM SURREY BOARD OF TRADE PRESIDENT TO SURREY BUSINESSES ON PROTESTS THIS WEEKEND

The Surrey Board of Trade is hearing that convoy protests will grow in Surrey this weekend.

With Surrey being a border city, I ask all Surrey businesses in the potentially affected areas to keep up to date on the situation that may progress over the weekend.

The impact of these blockades is choking already impacted supply chains, businesses and jobs. This is an unacceptable sabotage of the economy. To be clear everyone has a right to peacefully protest, but these types of demonstrations are impacting businesses and livelihoods.

If you are a business in the affected areas in Surrey, ensure that you are taking precautions to safeguard the exterior of your business and your staff.

The Surrey Board of Trade has signed on to an open letter to the Federal Government composed by the Canadian Chamber of Commerce to:

- Deliver a strong and unified commitment from the Prime Minister, Premiers, Opposition Party Leaders, and Mayors that the rule of law will be upheld.
- Urgently enact measures to protect critical infrastructure to ensure further closures do not take place elsewhere in the country in the days ahead.
- Seek immediate injunctive measures through the courts to assert a clear message that lawlessness will not be tolerated.
- Ensure law enforcement agencies have all the necessary political support and appropriate tools needed to restore public order and remove any physical blockades that are not dismantled voluntarily.

If you have any questions or need any assistance, please let me know. We are here for you.

-Anita Huberman

President & CEO, Surrey Board of Trade

anita@businessinsurrey.com

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Surrey Board of Trade



**H. CAPTAIN (ROYAL CANADIAN NAVY) ANITA PATIL
HUBERMAN**
PRESIDENT & CEO

101 - 14439 104 Avenue, Surrey BC Canada, V3R 1M1

P | [604.634.0342](tel:604.634.0342) C | [604.340.3899](tel:604.340.3899)

E | anita@businessinsurrey.com

On the Territory of the Coast Salish Peoples



From: [Blais, Martin](#)
To: [Marosevich, Kim](#)
Cc: [Costanzo, Robert](#)
Subject: Fwd: Freedom Convoy Protest Feb 12, 2022 - debrief notes
Date: February 12, 2022 6:03:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

This is Exhibit " B " referred to in the
 Affidavit of Robert Costanzo
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Robert Costanzo
 A Commissioner for taking Affidavits
 for British Columbia

FYI

Martin

Begin forwarded message:

From: "Nolan, Andrew" <Andrew.Nolan@surrey.ca>
Date: February 12, 2022 at 18:02:33 PST
To: "Blais, Martin" <Martin.Blais@surrey.ca>
Subject: Freedom Convoy Protest Feb 12, 2022 - debrief notes

The Surrey Bylaw Department assisted the RCMP and monitored the "freedom convoy" protest throughout the day on Feb 12, 2022.

Bylaw officers attended the RCMP briefing and liaised with the officer in charge of the operation.

Protestors started arriving in the area of 8th Ave. and 176 St. at approximately 1000 hrs and congregated in the intersection.

Between 1000 hrs and noon, the protest grew progressively in size and traffic was intermittently blocked. Approximately 16 people on horseback did make their way to the area, but were not observed causing any significant issues.

Throughout the afternoon multiple vehicle convoys arrived southbound on 176 St. which became backed up past 24 Ave. at times. Protesters were parked roadside on 8th Ave., 16 Ave. and 176 St.

Large numbers of protestors eventually took over the 176 St., south of 8th Ave. By 1500 hrs, the RCMP was no longer actively trying to control the crowds. There was an unconfirmed report that protest vehicles had breached the blockade at 8th Ave. and 176 St., but generally only pedestrians were in the area, with blockades remaining in place to prevent a vehicle blockade south of 8th Ave., or via 4th or 2nd Avenues, west of 176 St.

Area residents were still able to access the area south of 8th Ave. - via 172 St. - throughout the day. Minimal parking issues were observed on side streets and in residential areas. Some public urination and defecation was observed in the area as there were no washroom facilities available for protestors.

It should be noted that 176 St., and the portion of 8th Ave. between Hwy 99 and 176 St. (Hwy 15) are provincial highways and not within the jurisdiction of the City of Surrey. The majority of the protest took place on these routes.

The protest was largely peaceful, but there were increasing signs of aggression and anti-authority sentiment as the crowds grew.

Officers left the area at 1700 hrs.

Andrew Nolan | Bylaw Enforcement Officer

COS_Tag_pp_cmyk-200



CITY OF SURREY

Bylaw Enforcement & Licensing Services

6651 148 Street, V3S 3C7

T 604.591.4751 | F 604.591-4465 www.surrey.ca

Email andrew.nolan@surrey.ca



Connect, Share and Engage with your City

IMPORTANT NOTICE:

This email and any attachments are confidential, may be legally privileged, and/or subject to the Freedom of Information and Protection of Privacy Act, and are for the use of the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone else is prohibited and may be a criminal offence. Please delete if received or obtained in error and email confirmation to the sender.

From: Mayor Doug McCallum
To: Loren Marais
Subject: Protesters
Date: February 25, 2022 12:05:00 PM
Attachments: voicemail-9.m4a

This is Exhibit " C " referred to in the
Affidavit of Robert Costanzo
affirmed before me at Surrey
in the Province of British Columbia
this 5 day of October 2022
Chaukeem Simon
A Commissioner for taking Affidavits
for British Columbia

Hi Loren,

Can you please follow up with regards to the attached voicemail and close the loop with our office once completed?

Regards,
Michelle

From: [REDACTED]
 To: Mayor Doug McCallum
 Subject: Surrey border terrorists
 Date: February 13, 2022 1:32:18 PM

This is Exhibit " D " referred to in the
 Affidavit of Robert Costanza
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Shaulen G. [Signature]
 A Commissioner for taking Affidavits
 for British Columbia

Dear Mayor,

Can you please tell me why this truck and driver have not yet been arrested? This is the truck that rammed the police barrier and here 33 minutes ago is still there. If I tried that I would be arrested, what's up, are the police complicit?

Let's get these goons out of here now.

<https://www.cbc.ca/news/canada/british-columbia/surrey-border-protests-feb-13-1.6350361>

Sent from my iPad

From: [REDACTED]
To: Mayor Doug McCallum
Subject: Truckers at border
Date: February 12, 2022 4:30:01 PM

Time to move those truckers out

Stop the border disruption.

[REDACTED]

Sent from Yahoo Mail on Android

This is Exhibit " E " referred to in the
 Affidavit of Robert Costanzo
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Charles Syme
 A Commissioner for taking Affidavits
 for British Columbia

From: [REDACTED]
To: Eng Traffic Operations Service; Bylaw Complaints; City Manager; Mayor Doug McCallum
Subject: Pacific Border Crossing Complaint
Date: February 21, 2022 8:52:22 PM
Importance: High

To Whom It may Concern:

The recent events surrounding the unlawful blockage of our roads and services has become unacceptable. As of tonight the Pacific Border Crossing remains closed to personal vehicles and forcing residents to cross through the main Peace arch or other crossings at great time and expense to us all.

When will the City Of Surrey take command of this situation and instruct the local authorities to completely dispose of these unlawful road blocks and inconveniencing the thousands of people that use this crossing regularly? This is UNACCEPTABLE!!!

[REDACTED]

This is Exhibit " F " referred to in the
 Affidavit of Robert Costanzo
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Letauden [Signature]
 A Commissioner for taking Affidavits
 for British Columbia

This is Exhibit " G " referred to in the
 Affidavit of Robert Costanzo
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Robert Costanzo
 A Commissioner for taking Affidavits
 for British Columbia

From: [REDACTED]
 To: Mayor Doug McCallum
 Cc: Clerks Department Webmail
 Subject: Surrey Freedom Convoy Removal - Enough is Enough
 Date: February 20, 2022 1:59:37 PM

Dear Mr. McCallum,

The Freedom Convoy has been ongoing across Canada for over three weeks now. The city of Ottawa has now taken measures to remove the protesters. My question is when is Surrey going to do the same thing? Your platform pledged safety within our community and quite frankly, after three weeks, I have not seen any action to promote safety and remove the protesters from the areas between 16th to 0 Avenue and 172nd St. to 184th St.

My neighbourhood sits squarely in between the Peace Arch Crossing and the Truck Border Crossing, often referred to as Douglas Crossing or Summerfield. Since the convoy began, we have had to deal with:

- Multiple police barricades blocking entry into our neighborhood
- Ongoing closure of our local businesses - affecting the business owners, the staff who need to pay mortgages/bills and people's ability to get goods and services
- Traffic jams all around the vicinity of our neighborhood
- Significant increase in trash and garbage
- Protestor/Visitor harassment
- Defecation/Urination on local peoples properties

I am a supporter of freedom of speech and understand that the "Freedom Convoy" protestors were due an opportunity express their frustrations/plead their case for change. But that moment has come and gone.

My question for you and the City....When is my family allowed to come and go to our home in peace? When are my neighbours free to go to local businesses without being harassed or bombarded by chanting protesters and made to feel unsafe in certain situations? When is our community allowed to live safely and freely again?

I strongly urge you to please consider implementing a more aggressive approach in stopping and removing the "Freedom Convoy" protesters from our community. Grant the local police the power and tools to do what the Ottawa force was allowed to do this past weekend and end this. I am tired. Our family is tired. Our neighbours are tired. Our local businesses are tired. Our community is tired. Enough is enough.

Sincerely,

[REDACTED]

From: [REDACTED]
 To: Mayor Doug McCallum
 Subject: 176 protest
 Date: February 19, 2022 4:56:22 PM

This is Exhibit " H " referred to in the
 Affidavit of Robert Costanzo
 affirmed before me at Surrey
 in the Province of British Columbia
 this 5 day of October 2022
Charles Symons
 A Commissioner for taking Affidavits
 for British Columbia

Mr. McCallum,

I am concerned with the presence of the protesters at the 176 st border crossing.

I have been paying very close attention to the proceedings in Ottawa over the last 22 days and I am greatly concerned that the protest at 176 may become the next Ambassador Bridge Blockade. As there is a contingent of the protestors from Ottawa on their way to the GVRD, I'm certain you are aware of the significant value of goods travelling through this border crossing. I'm certain that you will do everything within your power to put a halt to any illegal blockades or encampments that form at that crossing.

I appreciate that you are likely very busy with your Mayoral duties, and if you take the time to read this yourself. Thank you for your time.

[REDACTED]

15
Miscellaneous
Job Number: 046918856-002 (MISC2022 - 001185)

Job Description: **Truck Convoy Protest.**
Status: **Investigation Concluded** Parent Job: **46918856**
Created By: **Berar, Dave** Date Created: **February 26, 2022**
Date Issued: Date Completed: **February 26, 2022**
Job Location: **Vicinity of 17600 8 AVE**

Details

Investigation Type: **Parking By-law**

This is Exhibit " I " referred to in the
Affidavit of Robert Costanzo

affirmed before me at Surrey
in the Province of British Columbia

this 5 day of October 2022

Charles G...

A Commissioner for taking Affidavits
for British Columbia

RELATED OBJECTS

RELATED INVESTIGATIONS

CI2022 - 002022 Location: Vicinity of 17600 8 AVE Map No: 147
Investigation Concluded Convoy Protest 2-26-22

MISC2022 - 001185 Location: Vicinity of 17600 8 AVE Map No: 147
Investigation Concluded Truck Convoy Protest.

PROCESSES

Assigned To	Status	Outcome	Scheduled Start	Actual Completed
<i>MISC Inspection</i>				
Berar, Dave	Complete	Conclude Investigation	Feb 26, 2022	Feb 26, 2022 14:38:01
<i>MISC Supervisor Review</i>				
Berar, Dave; Fouché, Anja; Ja	Complete	Approve Conclude Investigation	Feb 26, 2022	Feb 26, 2022 14:38:01

DOCUMENTS

PHOTOS

NARRATIVE

Site Assessment - Date: 26-FEB-2022 Time: 1030 Berar, Dave
Truck Convoy Protest.

Inspection - Date: 26-FEB-2022 Time: 1100 Completed By: Berar, Dave Outcome:
Conclude Investigation
Marty here is an brief synopsis

East of 176 St on 8th Ave all temporary no parking signs were removed.
Supervisor BERAR, BLEO TRANIOR and three RCMP members attended to explain the regulations to the protestors.
As we were out numbered and swarmed by the very vocal protestors an executive decision was made not to ticket them and disengaged.
We will monitor the situation through out the day.